

Check # 1045

19-SE-006089

State of Wisconsin
Department of Natural Resources
PO Box 7921, Madison WI 53707-7921
dnr.wi.gov

Fish Farm Application For Use of Natural Body of Water

Form 3600-227 (R 3/13)

Page 1 of 2

Notice: Use of this form is required by the Department for any application filed pursuant to ss. 29.733, Wis. Stats., and ss. NR 19.90-95, Wis. Adm. Code. The department will not consider your application unless you provide all information requested and submit the fee(s) indicated for the permit(s) selected. A social security number or federal employer identification number is **REQUIRED** when applying for a license listed in ss. 29.024(2g) or 29.024(2r), Wis. Stats. The number **SHALL NOT** be disclosed to any other person except the Department of Workforce Development or the Department of Revenue to determine liability for delinquent Wisconsin taxes or child or family support. Other personally identifiable information requested on this form will be used for program administration and may be provided to requesters as required by Wisconsin's Open Records law [ss. 19.31-19.39, Wis. Stats.].

Mail this form with its attachments and required fee to WDNR - Natural Waterbody Permits FH/4, PO Box 7921 Madison, WI 53707-7921.

Applicant Information

Applicant Name: First MI Last Ray J Footland				Co-Applicant Name: First MI Last Diane T Footland			
Address 270 State Road 83				Address 270 State Road 83			
City Hartford	State WI	ZIP Code 53027		City Hartford	State WI	ZIP Code 53027	
Phone Number (262) - 966-2181		Social Security No. / Fed. Employer ID No. [REDACTED]		Phone Number (262) - 966-2181		Social Security No. / Fed. Employer ID No. [REDACTED]	

Project Information

Business Name (if any)				Waterway Name			
Address				Water Source (identify as gallons per minute, gpm)			
<input type="radio"/> City <input checked="" type="radio"/> Town <input type="radio"/> Village of Erin				Spring	Well	Stream	City Water
County Washington				Fire Number (if applicable)	Other	Specify Other	
<input type="radio"/> Yes <input checked="" type="radio"/> No				Is there a discharge to a water of the state?			
1/4 1/4 NW SW	1/4	Section 33	Township Erin N	Range 18	<input type="checkbox"/> Waterway <input type="checkbox"/> Wetland		Discharge (gpm)

Project Description

A "natural body of water" is defined in Wisconsin law as any spring, stream, pond, lake or wetland that was historically present in a natural state but may have been physically altered over time. A "freeze-out pond" is defined in Wisconsin law as a natural, self-contained body of water in which freezing or anoxic conditions prevent the body of water from naturally sustaining a fish population at least twice every 5 years.

Operating a fish farm in a Natural Body of Water requires a permit under NR 19, Wis. Adm. Code. I am applying for:

- ☒ **NR 19 Permit Renewal** - for continued use of a natural waterbody that was previously permitted as a preexisting fish rearing facility or a freeze-out pond.
- ☐ **Initial NR 19 Permit** - for new use of a natural waterbody for fish farming (note, the waterbody must be a freeze-out pond).
- ☐ **Transfer of NR 19 Permit** - to convey an existing NR 19 permit from one party to another, as a result of change in ownership or leasehold interest of a fish farm.

Number and dimension of ponds, raceways or tanks. Describe here and attach a diagram (Attachment # 4)

Business Purpose: Activities engaged in. (select all that apply)

- | | | |
|--|---|--|
| <input type="checkbox"/> Distributor | <input type="checkbox"/> Processor, On-Site | <input type="checkbox"/> Public Fee Fishing |
| <input type="checkbox"/> Hatchery | <input type="checkbox"/> Grower | <input type="checkbox"/> Raising Fish For Stocking |
| <input type="checkbox"/> Raising Bait For Sale | <input checked="" type="checkbox"/> Private, Personal Fishing | <input type="checkbox"/> Raising Fish to Directly Market for Human Consumption |
| <input type="checkbox"/> Other - Specify: | | |

1. What type of pesticides do you currently use or plan to use?

None

2. Is your fish farm equipped with barriers that prevent the passage of fish between it and other water of the state? ☐ Yes ☒ No

3. If you are applying for an NR 19 Permit Renewal, have you made any facility changes - expansion, additional ponds, different species reared, etc. - over the last ten years?

☐ Yes ☒ No If yes, describe:

Footland
Applicant Last Name

Fish Farm Application For Use of Natural Body of Water

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Species Information

Complete the following information regarding your operation: List the quantity of each size of the species of fish you possess or plan to raise on an annual basis in each pond, raceway, natural body of water, freeze-out pond, self-contained body of water or preexisting fish rearing facility.

Fish	Eggs	Fry	Fingerling	Yearling	Adult	Fish	Eggs	Fry	Fingerling	Yearling	Adult
Bass						Bluegill					
Largemouth						Crappie					
Bass						Perch					
Smallmouth						Pumpkinseed					
Bullhead						Sunfish					
Muskellunge						Tilapia					
Northern Pike						Brook Trout					
Walleye						Brown Trout					
Chubs						Lake Trout					
Minnows						Rainbow Trout					
Shiners						Other (List):					
Suckers						<u>Catfish</u>					
Atlantic Salmon											
Chinook Salmon											
Coho Salmon											

Attachments (Provide all of the following)

- ✓ 1. Location sketch or map showing route to the project site, indicating nearest main road and crossroad, north arrow and scale.
- ✓ 2. Photocopy of deed, lease, land contract or other documentation showing that the land that is riparian to the body of water is owned, leased, or controlled by the permit applicant.
- ✓ 3. Photocopy of plat book showing property owners; photocopy of any easements for all properties surrounding the waterbody; and other documentation to show that none of the owners of the fish farm or riparian lands provide public access to the body of water by means of an easement or right-of-way or by means of a business open to the public. Note: the owners of the fish farm may allow fishing by the public for a fee.
- ✓ 4. Diagram showing number and dimensions of all ponds, raceways, tanks or other waterbodies to be used for fish farming.
- ✓ 5. For an Initial NR 19 Permit – Documentation to show the natural waterbody is a "freeze-out pond", meaning it is self-contained and has freezing or anoxic conditions that prevent a naturally-sustaining fish population at least twice every five years.
- ✓ 6. For a Transfer of NR 19 Permit – Photocopy of the previous owner's NR 19 permit, and documentation to show change of ownership.
- ✓ 7. Photocopy of any other permits or authorizations required by Ch. 30 or 31, Wis. Stats., the Army Corps of Engineers and any other federal, state or local laws and zoning ordinances for construction or operation of the fish farm. (Note: Permits issued under Ch. 30.19, 30.195 or 31.04 may mean your waterbody is exempt from a permit requirement.)
- ✓ 8. Photocopy of Department of Agriculture, Trade and Consumer Protection (DATCP) Fish Farm Registration from current or previous year.

Note: If conditions 2, 3, and 7 are met, then the DNR may find that your fish farm is exempt from a Natural Waterbody permit requirement. If so, the DNR will return your application and notify you of this finding.

Type of Permit and Fees

- ☐ Transfer of NR 19 Permit - \$100 fee
- ☐ Initial NR 19 Permit - \$ 500 fee
- ☒ NR 19 Permit Renewal- \$50 fee.

Make check or money order payable to the Department of Natural Resources (DNR)

Total Fees Enclosed:

50.00

50.00

Application Certification

Signature of Authorized Representative

Wane Footland

Date Signed

June 26, 2013

Leave Blank – DNR Use Only

Received By

Date Received

DNR Docket Number

Application Date

See Attached

When we initially stocked our pond we put in:

Largemouth Bass

Minnows

Bluegills

Perch

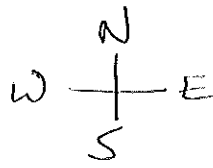
Pumpkinseed

Catfish

We added 50 Walleye in 2006.

We have aerators in our pond powered by a windmill. During the winter of 2010 our windmill malfunctioned and our pond froze over. We lost at least 30 adult largemouth bass.

Our pond is used only by family members for occasional fishing. We cannot estimate the quantities and sizes of fish that we have.



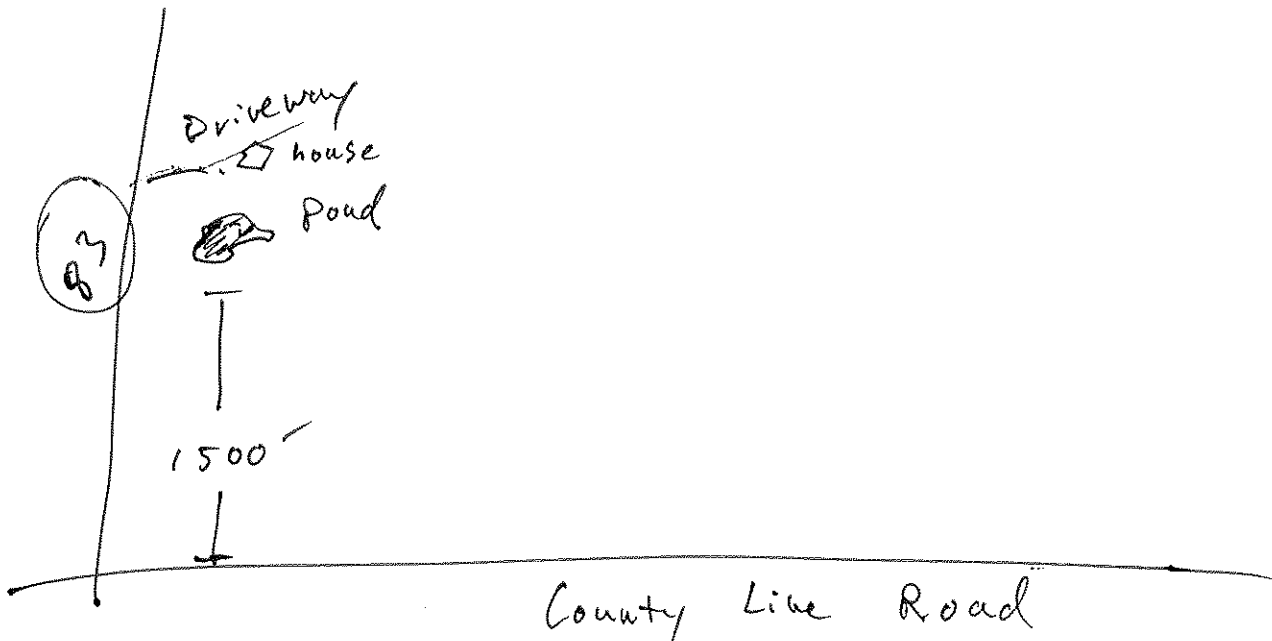
Attachment # 1 1/2 # 14

Driveway



↑
State Road 83

Pond is approx. 1 acre

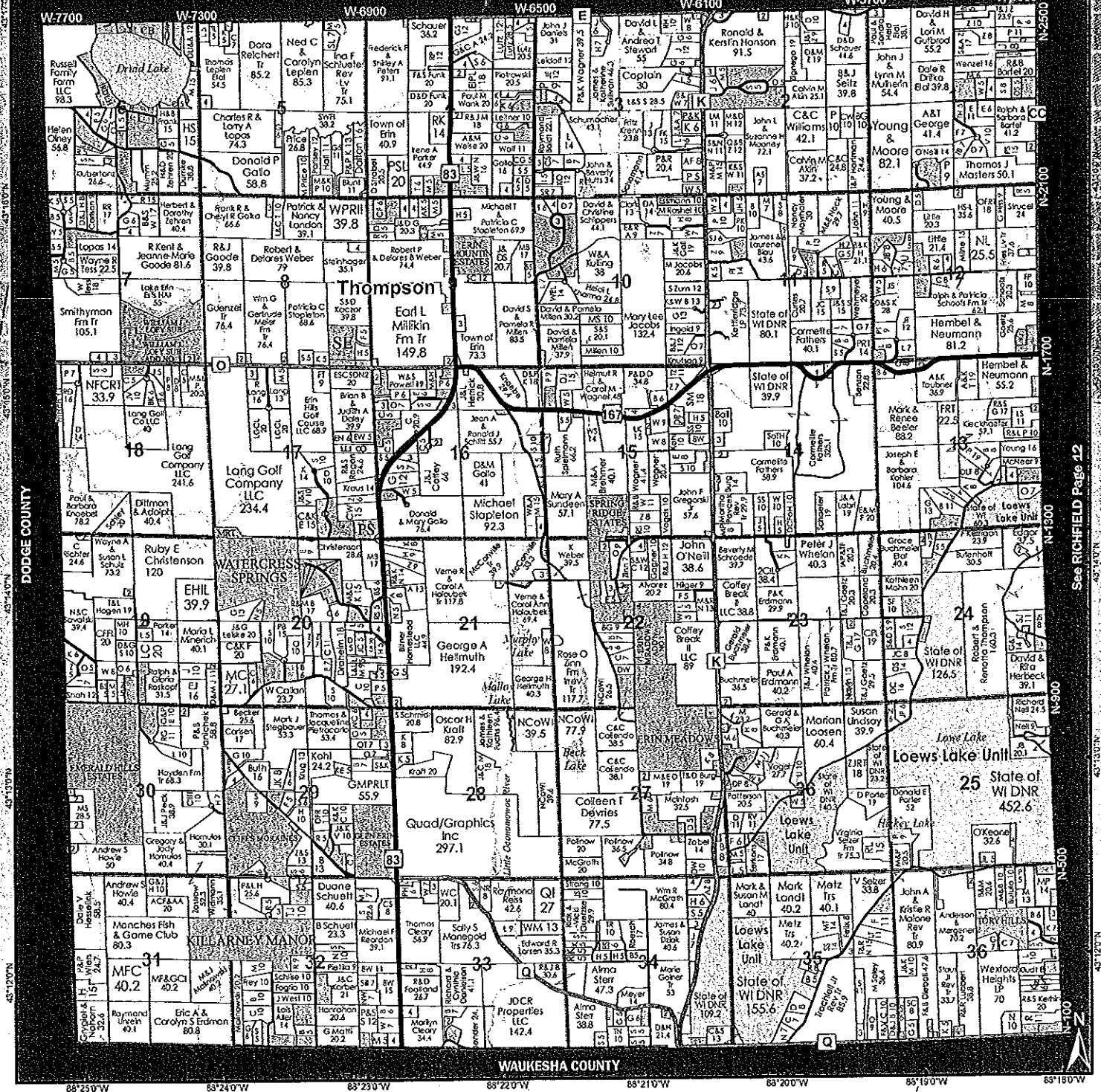


ERIN

T.9N. - R.18E.

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See HARTFORD Page 16



Attachment # 3

R. & D.

Footland

Sec 33

1/4 NWSW



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY

ST. PAUL DISTRICT, CORPS OF ENGINEERS
1135 U.S. POST OFFICE & CUSTOM HOUSE
ST. PAUL, MINNESOTA 55101-1479

MAR 14 1991

Construction-Operations
Regulatory (IF91-619-31)

Mr. Ray J. Footland & Ms. Diane L. Tremaine
7153 S. 37th Avenue
Franklin, Wisconsin 53132

Dear Mr. Footland & Ms. Tremaine:

It has come to our attention that you have discharged dredged materials into an unnamed isolated wetland in conjunction with the excavation of a pond on your property, located in the SW 1/4, section 33, township 9 north, range 18 east, of Washington County, Wisconsin. The unnamed wetland comes within the Corps of Engineers regulatory jurisdiction pursuant to Section 404 of the Clean Water Act. A review of the information that you submitted, along with an inspection of the site, indicates that less than one acre of the isolated wetland has been used for the disposal of materials excavated during pond construction. Current Department of the Army regulations contain a nationwide permit found at 33 Code of Federal Regulations (CFR) 330.5(a)(26), which authorizes the discharge of dredged materials into isolated wetlands, provided that such a discharge does not cause a significant adverse modification to more than one acre of wetlands.

Since the excavated soils have been discharged over less than one acre of the isolated wetland, the activity completed to date is authorized by the above nationwide permit provided that you follow the enclosed conditions and management practices. However, if completion of the pond would require the placement of the excavated materials over more than one acre of the wetland area remaining around the open water area of the pond, you must notify the Corps of Engineers prior to completing that discharge.

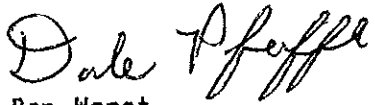
This determination covers only the project referenced above. If the design, location, or purpose of the work is changed, you should contact us to make sure the work would not result in a violation of Federal law. Our telephone number is (612) 220-0375.

It is your responsibility to insure that the work complies with the terms of this letter and the enclosures. IT IS YOUR RESPONSIBILITY TO OBTAIN ALL REQUIRED STATE PERMITS AND APPROVALS BEFORE YOU PROCEED WITH THE PROJECT.

This verification will be valid until the nationwide permit is modified, reissued, or revoked. All the nationwide permits are scheduled to be modified, reissued or revoked prior to 13 January 1992. It is incumbent upon you to remain informed of changes to the nationwide permits. We will issue a public notice announcing the changes when they occur. Furthermore, if you commence or are under contract to commence this activity before the date the nationwide permit is modified or revoked, you will have twelve months from the date of the modification or revocation to complete the activity under the present terms and conditions of this nationwide permit.

If you have any questions regarding this matter, please write or call Dale Pfeiffle of our Waukesha, Wisconsin field office at U.S. Army corps of Engineers, 148 Wisconsin Avenue, Suite 214, Waukesha, Wisconsin 53186, (414) 547-6986.

Sincerely,


For Ben Wopat
Chief, Regulatory Branch
Construction-Operations Division

Enclosure(s)

Determination: 330.5(a)(26).

copy furnished:

Mr. Phillip J. Gaudet
Washington County Land Use Department
P.O. Box 1986
West Bend, Wisconsin 53095-7986

Authorization for the following activity is given at 33 Code of Federal Regulations (CFR):

330.5(a)(26) - DISCHARGES OF DREDGED OR FILL MATERIAL INTO THE WATERS LISTED IN PARAGRAPHS (a)(26)(i) AND (ii) of this section except those that would cause the loss or substantial adverse modification of 10 acres or more of such waters of the United States, including wetlands. For discharges that would cause the loss or substantial adverse modification of 1 to 10 acres of such waters, including wetlands, notification to the district engineer is required in accordance with Section 330.7 of this Section. (Section 404)

☐ (i) Non-tidal rivers, streams, and their lakes and impoundments, including adjacent wetlands, that are located above the headwaters.

☒ (ii) Other non-tidal waters of the United States, including adjacent wetlands, that are not part of a surface tributary system to interstate waters or navigable waters of the United States (i.e., isolated waters).

REGIONAL CONDITION. The Regional Condition restricts use of this nationwide permit in specifically-identified waters.



State Permits and/or Approvals Required for Entire Project

Any person intending to discharge any dredged or fill material into any of the waters listed above shall submit an application to the Wisconsin Department of Natural Resources (WDNR) before beginning work. The WDNR will notify the Corps of Engineers of this application. Activities are authorized under this nationwide permit when the applicant obtains WDNR authorization.

This nationwide permit also applies to those Department of Transportation (WDOT) projects reviewed by the WDNR according to established liaison procedures, under s. 30.12(4), Wis. Stats., provided WDNR conditions or restrictions are incorporated into the project. For a project to be authorized by this nationwide permit, the Department must submit to the Corps of Engineers a letter from WDNR indicating concurrence with the floodplain management and environmental features of the project.



No State Permits and/or Approvals Required or Required for Only a Portion of the Project

☐ 1. This nationwide permit authorizes the DISCHARGE OF DREDGED OR FILL MATERIAL IN all non-specifically identified headwaters, isolated waters, and adjacent wetlands for projects that would result in loss or substantial adverse modification of ONE TO TEN ACRES of waters of the United States, including wetlands.

☒ 2. This nationwide permit authorizes the DISCHARGE OF DREDGED OR FILL MATERIAL IN all non-specifically identified headwaters, isolated waters, and adjacent wetlands for projects that would result in loss or substantial adverse modification of LESS THAN AN ACRE of waters of the United States, including wetlands.



Wisconsin Department of Agriculture, Trade and Consumer Protection

2811 Agriculture Drive, PO Box 8911, Madison, WI 53708-8911

Effective Date: April 01, 2013
Expires: March 31, 2014
Statute: 95.60

Registration Number: 112699-AQ

Fish Farm Registration

Legal Name:

Ray J Footland, Diane T Footland

Business Location:

270 State Road 83 S Hartford WI 53027

Doing Business As:

Ray J & Diane T Footland

Livestock Premises Code(s): 0071A3U

Type 1 Fish Farm

This is your license/permit/certification/registration document. Post or carry as required by law. Non-transferrable - subject to revocation or suspension as provided by law.
DMS-BIT-06B (03/19/10) ↩ Remove this card and carry as identification. ↪

bits-16.qxd (rev.03/12)

RAY J FOOTLAND
270 STATE ROAD 83 S
HARTFORD WI 53027



Wisconsin Department of
Agriculture, Trade and Consumer Protection

Fish Farm Registration

Type 1 Fish Farm

Ray J Footland, Diane T Footland

Registration Number: 112699-AQ Expiration Date: March 31, 2014
270 State Road 83 S Hartford WI 53027

DATCP Contact : (608) 224-4887

This Deed, made between Michael R. Niklasch and Jeanne C. Hays Niklasch, as husband and wife and joint tenants with right of survivorship and Ray J. Footland and Diane L. Tremaine, as joint tenants with rights of survivorship

Grantor,

Witnesseth, That the said Grantor, for a valuable consideration
conveys to Grantee the following described real estate in Washington
County, State of Wisconsin:

RETURN TO
Ray J. Footland
7153 S. 37th Place
Franklin, WI 53132

Tax Parcel No: T. 3. 0670

That part of the Northwest One-quarter (1/4) of the Southwest One-quarter (1/4) of Section Thirty-three (33), Township Nine (9) North, Range Eighteen (18) East, Town of Erin, Washington County, Wisconsin, bounded and described as follows: Commencing at the West 1/4 corner; thence South along the West line of the Southwest 1/4, 1328.95 feet; thence South 86°58' East, 60.08 feet to the place of beginning; thence South 86°58' East along an old fence line, 1237.08 feet; thence North 0°23'08" East along an old fence line, 934.26 feet; thence North 86°46'37" West, 1243.60 feet to the East line of State Trunk Highway No. 83; thence South along said line, 938.70 feet to the place of beginning.

This is
(is) ~~xxx~~ homestead property.

Together with all and singular the hereditaments and appurtenances therunto belonging;
And Michael R. Niklasch and Jeanne C. Hays Niklasch
warrants that the title is good, indefeasible in fee simple and free and clear of encumbrances except municipal and zoning ordinances, recorded easements for public utilities serving the property, recorded building and use restrictions and covenants, and general taxes levied in the year of closing, and will warrant and defend the same.

Dated this 15th day of May, 19 90

(SEAL) Michael R. Niklasch (SEAL)

* Michael R. Niklasch

(SEAL) Jeanne C. Hays Niklasch (SEAL)

* Jeanne C. Hays Niklasch

AUTHENTICATION

Signature(s) of Michael R. Niklasch
and Jeanne C. Hays Niklasch

authenticated this 15th day of May, 19 90

* Philip J. Miller

TITLE: MEMBER STATE BAR OF WISCONSIN

(If not,
authorized by § 706.06, Wis. Stats.)

THIS INSTRUMENT WAS DRAFTED BY
Attorney Philip J. Miller

(Signatures may be authenticated or acknowledged. Both
are not necessary.)

ACKNOWLEDGMENT

STATE OF WISCONSIN

County, } ss.

Personally came before me this _____ day of
_____, 19____, the above named

to me known to be the person _____ who executed the
foregoing instrument and acknowledge the same.

*
Notary Public _____ County, Wis.
My Commission is permanent. (If not, state expiration
date: _____, 19____.)